Remarks

The following numbered paragraphs are provided to respond to the similarly numbered paragraphs in the Office Action (e.g., paragraph "1" below corresponds to paragraph 1 in the Office Action.

1. Applicant has amended claim 27 so that claim now depends on claim 24 and to include a sensor surface which should address the antecedent basis problem identified in the Office Action.

7-9. The Office Action rejected claim 107 as obvious over Glynn. Applicant has amended claim 107 to distinguish over Glynn. To this end, the claimed invention is intended to cover a system wherein a processor automatically determines a medicant dosing regimen the first or initial time that a medicant container is sensed by a sensing device and without requiring a user (e.g., the person that a medicant has been prescribed for) to manually enter the dosing regimen information. Consistent with this function, claim 107 is drawn to a method that now requires that, prior to an initial time that a sensing device (e.g., a device on a container) is disposed within the sensing area, the specifying information specified by a specifying device has not been received by a processor. In addition, claim 107 now requires that, at the initial time a specifying device is within the sensing area, the processor receives the specifying information a first time from the specifying device (i.e., the specifying information was not received by the processor a prior time) and uses the specifying information to identify prescribed dosing regimen information.

Glynn fails to teach or suggest a system wherein the first time a specifying device is sensed, specifying information from the device is obtained by a processor and used to identify prescribed dosing regimen information automatically and without user input. Glynn teaches that a system user has to manually enter prescription information into a system which is then correlated with a specific container. To this end, see

Glynn's col. 4, lines 39-48, where Glynn teaches that medication container identity can be initialized by placing a container including a bar code on the bottom thereof on a tray. When a sensor senses that a container has been placed on the tray (i.e., via a weight change of the face of the tray), the tray is scanned and the bar code read. When a new bar code is recognized, the system prompts the user to manually enter prescription information which is then stored for the container.

With respect to col. 5, lines 16-32, Glynn teaches that a CPU 41 may be programmed to store usage or a prescribed medicine regimen and to perform compliance analysis by comparing actual usage to the prescribed medicine regimen. Here, Glynn provides no other statements regarding how the CPU is programmed with the medicine regimen. Thus, Glynn fails to teach or suggest any way other than manual entry of information to specify a medicine regimen and therefore the col. 5 teachings in Glynn should not be construed as covering some other more automated way of specifying a regimen for use by the reminder device processor.

Thus, Glynn teaches manual entry of prescription information instead of receiving such information from a container mounted specifying device the first time the device is sensed. For at least this reason Applicant believes claim 107 and dependent claim 108 are distinct over Glynn and requests that the rejection be withdrawn.

10-12. The Office Action rejected each of claims 1, 15, 17 and 22 as obvious over Glynn in view of O'Brien. Applicant has amended each of claims 1 and 22 to more clearly distinguish over the prior art. To this end, like claim 107 discussed above, Applicant has amended each of claims 1 and 22 to now require that prior to an initial time, specifying information has not been received by a processor and, at the initial time a memory device is disposed proximate a surface associated with the processor and the processor receives the specifying information for the first time, the first time the processor receives the specifying information, the processor using the specifying information to identify prescribed dosing regimen information.

For the same reason discussed above with respect to claim 107, Applicant believes that claims 1 and 22 and claims that depend there from are non-obvious over the cited references. More specifically, Glynn teaches a system wherein the first time a bar code is read from the bottom of a medicant container, a user is prompted to enter medicant regimen information manually which is directly contrary to the claimed inventions where the first time specifying information is received from a device, specifying the information there from is used to automatically and without user input determine a medicant regimen.

O'Brien fails to teach or suggest what Glynn lacks. To this end, O'Brien teaches a system wherein a warning is provided to a user to take a medication where, when a warning is provided, the user is prompted to retrieve a medication vial and hold the vial up to a bar code or RF ID reader so that medicant identity can be determined. The identity of the medication in the vial is compared to the medication that the user is supposed to consume pursuant to the warning and, when the medicant in the vial does not match the medicant to be consumed, a warning is provided. Thus, O'Brien also fails to teach reading prescription information from a vial device. Instead, in O'Brien, the prescription information is already stored for medications in the warning system and the only information obtained from the vial device is the identity of the medication in the vial.

Thus, Applicant believes that amended claims 1 and 22 and claims that depend there from are patentably distinct over a combination of the cited references.

15. With respect to the Response to Argument, Applicant believes that the amended claims above and as described in these remarks now clearly distinguish over the prior art. To this end, each of the independent claims now clearly requires that the first time a processor obtains information from a specifying device, the processor use the obtained information to determine a medicant dosing regimen which is clearly

different than the Glynn system that requires manual entry of regimen information the first time a processor obtains a new bar code.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1, 4, 5, 7-10, 15, 17, 22-29, 33, 36 and 107-108 of the present application recite patentable subject matter and allowance of the same is requested.

In addition, Applicant believes that at least some of the originally filed claims in this application are generic to several of the embodiments and that at least some of those generic claims are allowable over the art of record as at least some of the species covered by the generic claims are supported by the parent specification that predates Yarin. Here, Applicant requests that if the Examiner determines that at least some of the claims are generic and allowable over the art considered by the Examiner, that the Examiner reinstate any withdrawn claims that are covered by the generic claims.

No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

CARLOS DE LA HUERGA

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